

PART 3 TRANSFERS OF RECORDS

SECTION 301.00 TRANSFER OF RECORDS FROM THE CUSTODY OF ONE EXECUTIVE AGENCY TO THAT OF ANOTHER

301.01 Authority. Section 505 (e) of the Federal Records Act of 1950 provides that, subject to applicable provisions of law, the Administrator of General Services shall issue regulations governing the transfer of records from the custody of one executive agency to that of another.

301.02 Approval. No records shall be transferred from one executive agency to the custody of another without the prior written approval of the National Archives and Records Service except as provided in section 301.09 of this chapter.

301.03 Agency Request. The head of any executive agency may request the transfer of records to or from his agency. Approval shall be requested by letter addressed to the National Archives and Records Service, in which are included:

- a. A concise description of the records to be transferred, including the volume in cubic feet;
- b. A statement of the restrictions imposed on the use of records;
- c. A statement of the number of reference requests per month made on the records, with information as to the agencies and persons using the records and the purpose of such use;
- d. A statement of the number of persons, if any, assigned to the administration of the records;
- e. A statement of the current and proposed physical and organizational locations of the records;
- f. Information as to why the proposed transfer is in the best interests of the Government; and
- g. A justification for the transfer of records more than five years old.

301.04 Agency Concurrences. Copies of the concurrence or nonconcurrence in the transfer by the heads of any agencies concerned shall be attached to the agency request.

301.05 Records of Terminated Agencies. Transfers of records of executive agencies whose functions are terminated or are in process of liquidation are expressly subject to these regulations and no such transfers shall be made except in accordance with their provisions.

301.06 Equipment. Records storage equipment shall be transferred with the records contained therein in accordance with arrangements previously agreed to by the agencies concerned.

301.07 Costs of Transfers. Approved transfers shall be made without reimbursement to the agency of original custody for any costs involved, except when such reimbursement is previously agreed to by the agencies concerned.

301.08 Restrictions on Use of Records. Whenever any records that are transferred are subject to restrictions upon their use, imposed pursuant to statute, Executive order, or agency determination, such restrictions shall continue in effect after the transfer. Restrictions imposed by agency determination may be removed by agreement between the agencies concerned.

301.09 Exceptions. Prior written approval of the National Archives and Records Service is not required:

- a. When records are transferred to the Federal Records Centers or the National Archives in accordance with sections 302.00 and 303.00 of this chapter.
- b. When records are loaned for official use.
- c. When the transfer of records or functions or both is required by statute, Executive order, or Presidential reorganization plan, or by specific determinations made thereunder.
- d. When the continuing transfer of records has heretofore been authorized under the provisions of Executive Order 9784, September 25, 1946 (11 F.R. 10909). Revisions in such authorizations require the approval of the National Archives and Records Service.